

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA

Project File Number, Description, and Location

PP08-023 - Public Project. The proposed project, located at the northeastern portion of the intersection of Rainbow Drive and South Blaney Avenue in San Jose, includes construction of a new 10,000 square foot library and 52-space parking lot, including the demolition of the existing 5,880 square foot (s.f.) library building and the removal of a portion of the existing City of San Jose community garden site to the north of the existing library parking lot.

Council District: 1

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location does not contain a listed toxic site.

Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 1,000 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on **October 20, 2008**, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on **October 1, 2008** and ends on **October 20, 2008**.

The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 200 East Santa Clara Street, San José CA 95113-1905. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the existing **Calabazas Branch** Library, San José, CA, and online at <http://www.sanjoseca.gov/planning/eir/MND.asp>. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Jared Hart** at (408) 535-7904 or email to jared.hart@sanjoseca.gov, or **Susan Walsh** at (408) 535-7910 or email to susan.walsh@sanjoseca.gov.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: _____

Deputy

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Calabazas Branch Library

PROJECT FILE NUMBER: PP08-023

PROJECT DESCRIPTION: The proposed project includes construction of a new 10,000 square foot library and 52-space parking lot, including the demolition of the existing 5,880 square foot (s.f.) library building and the removal of a portion of the existing City of San Jose community garden site to the north of the existing library parking lot.

PROJECT LOCATION & ASSESSORS PARCEL NO.: Northeastern portion of the intersection of Rainbow Drive and South Blaney Avenue, across from the Calabazas Community Center in San Jose, California; 373-19-015

COUNCIL DISTRICT: 1

APPLICANT CONTACT INFORMATION: Agatha Ng, City of San Jose Department of Public Works City Facilities, 200 East Santa Clara Street, San Jose, CA 95113

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

- I. AESTHETICS** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- II. AGRICULTURE RESOURCES** – The project will not have a significant impact on this resource, therefore no mitigation is required.
- III. AIR QUALITY** – The project will not have a significant impact on this resource, therefore no mitigation is required.

IV. BIOLOGICAL RESOURCES –

- If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors shall be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation.
- Between January and April (inclusive) pre-construction surveys shall be completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal.
- Between May and August (inclusive), pre-construction surveys no more than thirty (30) days prior to the initiation of these activities. The surveying ornithologist shall inspect all trees in and immediately adjacent to the construction area for raptor nests.
- If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist, shall, in consultation with the State of California, Department of Fish & Game (CDFG), designate a construction-free buffer zone (typically 250 feet) around the nest.
- The Department of Public Works shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the City's Environmental Principal Planner and the Director of Public Works prior to the start of construction.

V. CULTURAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

VI. GEOLOGY AND SOILS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VII. HAZARDS AND HAZARDOUS MATERIALS – The project will not have a significant impact on this resource, therefore no mitigation is required.

VIII. HYDROLOGY AND WATER QUALITY – The project will not have a significant impact on this resource, therefore no mitigation is required.

IX. LAND USE AND PLANNING – The project will not have a significant impact on this resource, therefore no mitigation is required.

X. MINERAL RESOURCES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XI. NOISE –

- Noise control shall be used in the design of the library. A complete forced air mechanical ventilation system shall be included so that windows may be kept closed to control traffic noise intrusion. Operable windows and doors shall be minimized for noise sensitive uses facing South Blaney Avenue. An acoustical consultant shall participate in the design of the library building. A detailed analysis during the project design phase shall be completed so that the

buildings design incorporates treatment necessary to minimize noise intrusion in noise sensitive areas and to maintain an interior noise level of less than or equal to 45 DNL.

- Mechanical equipment shall be designed as to minimize impacts on surrounding uses, particularly residences located south and east of the proposed library building. Noise-generating equipment shall be located on the western portion of the site or adjacent to South Blaney Avenue, or acoustical shielding shall be provided. If rooftop-mounted mechanical equipment is used, it will be shielded from the adjacent residential development by rooftop screens or perimeter parapet walls, noise control baffles, sound attenuators, or enclosures. An acoustical specialist shall review the mechanical equipment plans prior to construction to ensure the 55-dBA DNL guideline is met at the residential property line.

XII. POPULATION AND HOUSING – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIII. PUBLIC SERVICES – The project will not have a significant impact on this resource, therefore no mitigation is required.

XIV. RECREATION – The project will not have a significant impact on this resource, therefore no mitigation is required.

XV. TRANSPORTATION / TRAFFIC – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVI. UTILITIES AND SERVICE SYSTEMS – The project will not have a significant impact on this resource, therefore no mitigation is required.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE – The project will not substantially reduce the habitat of a fish or wildlife species, be cumulatively considerable, or have a substantial adverse effect on human beings. Mitigation measures will ensure that potential biological resources and noise impacts will be reduced to a less than significant level.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on October 20, 2008, any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only;
or
2. Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Joseph Horwedel, Director
Planning, Building and Code Enforcement

Circulated on: October 1, 2008

Deputy

Adopted on: _____

Deputy